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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/254,474 03/05/99 NITTA

H 1422-371P

EXAMINER

IM22/0605

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ART UNIT

PAPER NUMBER

1751

DATE MAILED:

06/05/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trad marks

Office Action Summary

Application No.

09/254474

Applicant(s)

NITTA ET AL

Examiner

LORNA M. DOUYON

Group Art Unit

1751

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE(3) MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on MARCH 21, 2001.
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 5-10, 13-19 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 5-10, 13-19 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 7
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other _____

Office Action Summary

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1. This action is responsive to the reply filed on March 21, 2001.
2. Claims 5-10, 13, 14, 16, 18, 19 stand rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Barletta et al. (US Patent No. 4,919,847), hereinafter "Barletta" for the reasons set forth in the office action in paper number 4.
3. Claims 5-10, 13, 15, 17, 18, 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Barletta for the reasons set forth in the office action in paper number 6.
4. Claims 5, 6, 8-10 and 13-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Tadsen et al. (US Patent No. 5,527,489), hereinafter "Tadsen" for the reasons set forth in the office action in paper number 6.

Response To Applicants' Arguments

5. Applicant's arguments filed on March 21, 2001 have been fully considered but they are not persuasive.

With respect to the anticipation rejection based upon Barletta, Applicants argue that Barletta fails to describe or otherwise provide a written description of the process where powdered solids may be used instead of aqueous or liquid neutralizing agents. Applicants also disagree with the Examiner that Example 3 of Barletta discloses the ranges of the present

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invention. Applicants argue that a comparison of the molar ratio of dodecylbenzene sulfonic acid to sulfuric acid (which is 1:0.25) and the weight ratio of sulfonic acid, (not sulfuric acid as argued by Applicants) with the accompanying sulfuric acid which is 7% as described in Example 1, to sodium carbonate which is 23:77 shows that the Example 3 composition is outside the scope of the instant pending product claims.

The Examiner respectfully disagrees with the above arguments because of the following reasons. Barletta not only teaches powdered solids as neutralizing agents in the abstract, but also in the specification, in particular, Examples 3 and 5 under cols. 9-10. Applicants correctly stated that the molar ratio of dodecylbenzene sulfonic acid to sulfuric acid in Example 3 is 1:0.25. This molar ratio satisfies the requirement of the present pending claims which is 0.1 to 1.0 mole of an inorganic acid per mole of the liquid acid precursor of a non-soap, anionic surfactant.

With respect to the obviousness rejection based upon Barletta, Applicants argue that Barletta fails to disclose a method for producing detergent granules comprising the step of dry-neutralizing a liquid acid precursor of a non-soap, anionic surfactant with a water-soluble, solid, alkali inorganic substance wherein the dry neutralization step is carried out in the presence of 0.3 to 1.0 mole of an inorganic acid per mole of the liquid acid precursor and wherein the resulting detergent granules contain anionic surfactant in an amount of 15% by weight or more and less than 28% by weight and have a molar ratio of (inorganic salt undetectable by x-ray diffraction method)/(non-soap, anionic surfactant) of from 0.3 to 1.0.

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The Examiner respectfully disagrees with the above arguments because Barletta, as discussed above, teaches dry neutralization not only in the abstract but also in the specification, in particular, Examples 3 and 5. As already stated in the office action in paper number 6, Barletta teaches in col. 5, lines 26-29 that the concentration of the dodecylbenzene sulfonic acid is from 80 to 100% with 0 to 20% sulfuric acid, hence, a *prima facie* case of obviousness exists because the claimed ranges “overlap or lie inside ranges disclosed by the prior art”, see *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff*, 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990). See MPEP 2131.03 and MPEP 2144.05I.

With respect to the obviousness rejection based upon Tadsen, Applicants argue that Applicants has shown in the Examples and in the Tables in the present disclosure that the molar ratio of the present invention is essential in providing the superior results of the present invention. Applicants also argue that Tadsen recites broad ranges of contents of components without providing any guidance to the significance of the ranges.

The Examiner has carefully considered the examples and comparative examples in the specification, however, the showing is not compared to the closest prior art of record. With respect to Tadsen, in col. 10, lines 4-11, Tadsen teaches that the alkylbenzene sulfonic acid can be made by the oleum sulfonation or $\text{SO}_3\text{-SO}_2$ sulfonation of alkylbenzene and contains from about 85% to about 98% sulfonic acid active, from about 0.5 to about 12% sulfuric acid. This teaching provides motivation to a person of ordinary skill in the art to modify the proportions of the sulfonic acid and sulfuric acid for optimization for best results, see *In re Aller, et al.*, 105 USPQ

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233, *In re Reese*, 129 USPQ 402 (CCPA 1961), *In re Reven*, USPQ 679 (CCPA 1968); *In re Russell*, 169 USPQ 426 (CCPA 1971). Also, the claimed ranges “overlap or lie inside ranges disclosed by the prior art”, see *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976; *In re Woodruff*, 919 F.2d 1575, 16USPQ2d 1934 (Fed. Cir. 1990).

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (703) 305-3773. The examiner can normally be reached on Mondays-Fridays from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta, can be reached on (703) 308-4708. The fax phone number for this Technology Center is:

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(703) 305-3599 - for Official After Final faxes
(703) 305-7718 - for all other Official faxes.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center receptionist whose telephone number is (703) 308-0661.

June 1, 2001

Lorna M. Douyon
Lorna M. Douyon
Primary Examiner
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